

## 2.0 Water Rights Status

Esmeralda County's 29 water rights were reviewed with regards to the Division of Water Resource's (DWR) reporting/filing requirements. Most of these special conditions or requirements can be found within the permit and/or certificate. Changes or updates to these may be documented in the water right's correspondence files at the DWR, as in the case of extensions. The water right owner is responsible for providing current contact information to the DWR, which is used for official notifications and/or updates to filing requirements. The DWR also maintains an Internet website that provides specific water right information and downloadable documents (.pdf files). It is important to note that although the DWR website information is predominantly accurate, the information is supplied for convenience only; stating that "no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this information."

As of December 2006, all of the County's water right filing requirements were found to be in good standing with the DWR. Continued research focused on confirming that conditions documented within each active water right actually reflected the appropriate:

- Manner of Use (MOU);
- Place of use (POU);
- Duty;
- Point(s) of Diversion (POD) and
- Other special dates and conditions specific to each water right.

"Manner of Use" (MOU) information was confirmed through conversations with County personnel and the field reconnaissance of August 16, 2006. The total volume of water per year that may be diverted or "duty" associated with each water right was also considered during the reconnaissance and through review of utility pumping records. None of the duties being placed to beneficial use regarding the 29 water rights was found to exceed documented limits.

"Point(s) of Diversion" (POD) and "Place of Use" (POU) information is required as part of the application process for each water right. Surveyed locations, via the water right appropriation documents and application map describe public land's quarter-quarter Section information that is the allowed POD and/or POU for that water. These were assessed for all County water rights. All quarter-quarter Sections associated with each water right were visited (physically walked) during the field reconnaissance. Where possible, the POD as previously surveyed was recorded using a standard GPS<sup>1</sup> unit.

Specific water right conditions were reviewed on case-by-case bases. These include significant completion and reporting dates such as those that determine priority and Proof of Beneficial Use (PBU). All of the County's water rights declare that use will be from January 1 to December 31 of each year. All of the required filing dates for "proof of completion of work" have been met for all permits. Proof of the application of water to beneficial use filings for certain permits have extensions where noted. Those permits that have been processed through to the issuance of a certificate have timely submissions for (PBU) unless otherwise noted.

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<sup>1</sup> Global Positioning System (GPS) used was handheld, non-differentially corrected and accurate to ±14 feet.

A summary table of the County's water rights information is provided and also organized by basin (Appendix A). This is due to the ease of addressing special water right considerations associated with basins that may be designated and/or managed by different personnel within the County. The table includes information on each water right's manner of use (MOU), duty balance reported as acre-feet (AF) per year, diversion rates reported as cubic feet per second (cfs) and general comments that may associate the water right with other conditions or water rights.

Attention should be paid to the history of each water right to the extent that certain dates may become important. For example, specific filing dates can determine such factors as the priority of any one water right over another. Dates associated with the filing of "proof of completion of work" and the "proof of the application of water to beneficial use" (PBU) are also critical in the management and retention of water rights in Nevada. Failure to submit filings within the documented time frames or as otherwise required by the State Engineer can initiate the loss of that water right through cancellation (permits) and forfeiture (certificates). Filing requirements may also involve pumping records or extensions. The reader is referred to Appendix C; section VIII, for further information regarding the loss of existing water rights.

Table 2.0 contains general reference information and important filing requirements on each water right held by the County. The table and the following sections are broken out by hydrographic basin with each water right numbered 1 through 29 for ease of reference.